



RECORDS RETENTION SCHEDULE



Prepared by
STATE RECORDS BRANCH
Public Records Division
Kentucky Department for Libraries and Archives

RECORDS RETENTION SCHEDULE

Signature Page

Legislative Ethics Commission
Agency

September, 1994
Schedule Date

Unit

Change Date

9/8/94
Date Approved by Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

Paul Mack
Agency Head

8-31-94
Date of Approval

Levy J. Williams
Agency Records Officer

8-31-94
Date of Approval

Richard L. Felding
State Archivist and Records Administrator
Director, Public Records Division

August 26, 1994
Date of Approval

[Signature]
Chairman, Archives and Records Commission

9/8/94
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Kathleen B. Hilliland
Records Analyst/Regional Administrator

8/26/94
Date of Approval

Jim [Signature]
Appraisal Archivist

8/26/94
Date of Approval

Deanna Moses
State/Local Records Branch Manager

8/26/94
Date of Approval

The determination as set forth meets with my approval.

for Cindy M. James, CPA
Auditor of Public Accounts

9/7/94
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Public Records Division
Kentucky Department for Libraries and Archives

Schedule Date: September 08, 1994

STATE AGENCY RECORDS
RETENTION SCHEDULE

Legislative Branch
Legislative Ethics Commission

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04402	Employer's Registration Statement File (N) NA (V)	This series documents the registration of an employer of legislative agents or lobbyists. Pursuant to KRS 6.807, an employer (and lobbyist) is required to register with the Commission within seven days following the engagement of an agent. The employer of one or more agents is to pay a registration fee of \$250 to the Commission. Intentional failure to register incurs a Class D felony. Employers are required to file an Updated Registration Statement, with a Statement of Expenditures and a Statement of Financial Transactions, six times in an even-numbered year (years when the Legislature is in regular session), and three times in odd-numbered years. The new ethics laws were passed in the February, 1993 Special Legislative Session and became effective in September of the same year. The Commission reviews registrations for compliance; notifies persons regarding failure to file or deficiencies in filing; retains and computerizes the registrations for easy public accessibility; makes copies available to the public; and publishes an annual report containing statistical information on registration statements filed during the preceding year. It may receive or initiate complaints, conduct investigations, levy penalties and issue advisory opinions. An employer must maintain receipts and records for all reportable expenditures for a period ending December 31 of the second calendar year. *Reference is not available	Initial Registration Form- Name/address of employer; Bills to be lobbied; Correspondence; Updated Registration Statement (Employer Information, Agents Engaged by Employer, Specific Bills or Resolutions Agents Lobbied, Terminated Agents previously Listed); Statement of Expenditures (Name of legislator/family, Amount, Description, Date; Reimbursed expenditures, name of agent; Expenses directly associated with employer's lobbying activities--food, lodging, entertainment, telephone, office, support staff, etc.-- Prorated compensation	Agency: Indefinite	Records Center: 9 years	Archives Center: NA Transfer to the State Records Center three years after termination of all legislative agents. Destroy after audit
04403	Legislative Agent's Registration Statement File (N) NA (V)	This series documents the registration of a legislative agent, otherwise known as a lobbyist. Pursuant to KRS 6.807, an agent must register with the Legislative Ethics Commission (LEC) within seven days following his engagement by an employer. A legislative agent is one who is engaged and compensated, beyond the reimbursement of expenses, during at least a portion of his time to lobby as one of his official responsibilities. "Lobby" means, generally, to promote or oppose legislation. The legislative agent has the same filing requirements as an employer (see Employer's Registration Statement File-SN 04402). The General Assembly declared that: 1) the operation of open and responsible government requires that people be afforded the fullest opportunity to petition their government for the redress of grievances and to express freely their opinions on executive and legislative action; and, 2) the identity and expenditures of certain persons who attempt to influence executive and legislative actions should be publicly identified and regulated to preserve and maintain the integrity of government. Sometimes an agent and employer can be the same. Within 30 days of termination from an employer, an agent must file written notice to the LEC. Previously, lobbyists were required to register with the Attorney General's Office. (See SN 04380) *Reference is not available.	Registration Statement-- Name, Employer of Agent (Name of business, nature of business, Lobbying Activity during reporting period); Statement of Expenditures; Statement of Financial Transactions; Updated Registration Forms	Agency: Indefinite	Records Center: 9 years	Archives Center: NA Transfer to the State Records Center three years after termination. Destroy after audit

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Legislative Branch
Legislative Ethics Commission

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04404	Statement of Financial Disclosure File (N) NA (V)	This series documents annually the sources of income, outstanding debts (above \$10,000), and other business interests of a candidate for the legislature, member of the General Assembly, or major management personnel in the legislative branch. It may reveal potential conflicts of interest (not campaign contributions--see Registry of Election Finance). Names of clients or customers of business entities that are listed as sources of income are not required to be disclosed. The statements are to be filed with the Commission by February 15 each year, complete through December 31 of the preceding year.	Name; Business address, telephone; Title of public position or office sought; Other occupations of filer, spouse; Positions held by filer in any business, partnership, corporation for profit, or corporation not for profit from which compensation is received (same with spouse); Sources and form of gross income; Positions of a fiduciary nature; Sources of gifts of money or property of retail value of more than \$200; Any relationships with lobbyists; Names of clients who are lobbyists; Professional licenses held; Signatures	Agency: Indefinite	Records Center: 10 years	Archives Center: NA Transfer to the State Records Center two years after the legislator leaves office, or the candidate loses his bid for election. Destroy after audit
04405	Complaint File (Y) KRS 6.686 (2) (V)	This series documents the review of complaints by the Commission regarding a lobbyist, employer, or legislator sent by any citizen of the Commonwealth. Investigations by the Legislative Ethics Commission (LEC) are begun when a sworn statement is received, or when the Commission determines on its own initiative that an investigation is necessary. When an investigation is a result of a complaint, the LEC must initiate a preliminary investigation within ten days of receiving the complaint. Within 30 days of beginning a preliminary investigation the Commission must forward a copy of the complaint and a general statement of the applicable law to the person named in the complaint. During the preliminary investigation a respondent may be represented by counsel and offer sworn testimony in response to the allegations. If the LEC finds the evidence insufficient to establish probable cause of a violation the complaint is dismissed. If the evidence does establish probable cause, the LEC may initiate a formal adjudicatory proceeding (see Permanent Complaint/Adjudicatory Proceeding File--SN 04406), or under certain circumstances, issue a confidential reprimand. Evidence of criminal violations uncovered is referred to the Attorney General for prosecution. *Files from the Board of Ethics--1983-1993. **Reference is unknown at this time.	Letter of complaint; Supporting documentation of investigation; Findings of the Commission's investigation, determination of probable cause; Correspondence; Documentation of the need of an adjudicatory hearing; Agreed Order.	Agency: Indefinite	Records Center: 5 years	Archives Center: NA Transfer to the State Records Center five years after closure of case. Destroy upon approval of the State Archivist

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Legislative Branch
Legislative Ethics Commission

Records Title		Function and Use	Contents	Retention		
Series	and Description			Disposition Instruction		
04406	Permanent Complaint/Adjudicatory Proceedings File (C) KRS 6.686 (2)--Complaint case is restricted. Proceedings are open. (Y) KRS 6.686 (2)--Complaint case (Proceeding is open) (V)	This series documents those special, high profile, and/or historically significant cases of the Legislative Ethics Commission (LEC) that have been separated from the Complaint File (04405) to be retained permanently. Because of the newness of the agency, documentation of complaints with probable cause, violations, and involve adjudicatory proceedings of legislators, legislative agents, and employers of legislative agents that would be permanent are yet to be identified specifically. A case such as BOPROT, an FBI investigation of political corruption in Kentucky state government, is a prime example of a file to be retained permanently. The process is the same as described in the Complaint File (04405). The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence apply to all commission adjudicatory hearings. All testimony is under oath. All parties have the right to call and examine witnesses, introduce exhibits, to cross-examine witnesses, to submit evidence, and to be represented by counsel, etc. All adjudicatory proceedings are public unless the members vote to go into executive session. Within thirty days after completion of deliberations, the commission will publish a written report of its findings and conclusions. Anyone found to have committed a violation of the ethics code may appeal the decision to the Franklin Circuit Court. *Reference is not yet known.	Letter of complaint; Supporting documentation of investigation; Findings of the Commission's investigation, determination of probable cause; Correspondence; Documentation of the decision for adjudicatory proceeding; Agreed Order.	Agency: Indefinite	Records Center: NA	Archives Center: Permanent
				Transfer to the State Archives Center five years after closure of the case		
04407	Attorney's Litigation Working File (N) NA (V)	This is a series discussed with the Legislative Ethics Commission (LEC), but, at this time, no litigative activity has taken place. With the likelihood of this happening at some point, we are establishing the series for future reference. The series would be established upon appeal of a decision by the Commission to the Franklin Circuit Court which must occur within 30 days. Options of the Commission for violations, based on the evidence presented include: issuing fines of not more than \$2000, revoking the registration of an agent or employer for a period up to five years, publicly reprimanding the violator, recommending sanctions to the house in which the violator serves, or issuing orders that the violations cease.	Pleadings, Correspondence, Research, Court Order, Evidence, Decision and other documentation from the Commission's Adjudicatory Hearing	Agency: Indefinite	Records Center: NA	Archives Center: NA
				Destroy twelve years after closure of the case		
04408	Advisory Opinion File (Y) KRS 6.681.(2)-Letter of request	This series documents the opinions of the Legislative Ethics Commission on issues regarding interpretation of the ethics laws passed by the General Assembly in February, 1993. An opinion is a document prepared by an attorney embodying his understanding of the law as applicable to a state of facts. The opinions are approved by the Commission members. Once approved, copies are distributed to the requestor and others identified on the subscribers list. The letter requesting an opinion is retained in the file, but is restricted pursuant to KRS 6.681 (2). *Reference is not yet known.	Opinion, Letter making request	Agency: Permanent	Records Center: NA	Archives Center: NA
				Retain in agency		